

**Amendments to the Claims:**

This listing of claims will replace all prior listings of claims in the application.  
Please amend claims 21, 27, 33, 38, and 39, and add new claims 50-54:

**Listing of Claims:**

1-20 (Canceled)

21. (Currently Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack comprising:  
feeding a plurality of articles having varying thicknesses from an article infeed to one of a plurality of stripping devices,  
removing a set number of articles in the form of a stack by each stripping device, wherein a proportional shifter is coupled to each stripping device,  
measuring the stack height of said set number of articles with an article gauge attached to each proportional shifter to determine any change in stack height, wherein said set number of articles are placed within the article gauge for said measuring of the stack height, and  
adjusting each proportional shifter for a change in the stack height in proportion to the set number of articles removed without interrupting the flow of articles.

22. (Previously Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 21 comprising

switching each said proportional shifter between two different pre-determined numbers of fragile articles to be removed by each stripping device.

23. (Canceled)

~~24.~~ (Original) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim ~~21~~ wherein the number of articles in a stack is set from about 2 to about 6 articles.

~~25.~~ (Original) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim ~~22~~ wherein the two different predetermined numbers of articles in a stack is from about 2 to about 6 articles.

~~26.~~ (Previously Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim ~~22~~ wherein said switching is performed in-process while maintaining the adjustment in stack height.

~~27.~~ (Currently Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim ~~21~~ wherein each proportional shifter is adjusted for a change in the stack height every 15 to 25 minutes.

28. (Previously Amended) A method for continuously packaging or ~~sorting~~ fragile articles having varying thicknesses in a stack according to Claim ~~22~~ wherein said

switching prevents depletion of a supply feed stack relative to at least one other supply feed stack.

29. (Previously Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 28 wherein said switching prevents depletion of a plurality of supply feed stacks relative to one another.

30. (Previously Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 21 wherein articles removed from a plurality of said stripping devices are stacked to form a slug.

31. (Original) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 30 wherein said slug comprises from about 6 to about 18 articles.

32. (Original) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 30 further comprising diverting an article infeed to a spare wrapper to accommodate product when a wrapper stops or breaks down.

33. (Currently Amended) A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack comprising:  
feeding each of a plurality of stacks of articles from an article infeed to one of a plurality of stripping devices;

placing a set number of articles within ~~[[measuring the stack height of a set number of articles with]]~~ an article gauge attached to each of said plurality of stripping devices and measuring the stack height of the set number of articles with the article gauge to set the number of articles for removal from a feed stack; and

adjusting a proportional shifter attached to each article gauge for a change in the stack height of the set number of articles in proportion to the number of articles removed without interrupting the flow of articles.

34. (Canceled)

~~35. (Original)~~ A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 33 wherein the set number of articles in a stack is from about 2 to about 6 articles.

~~36. (Previously Amended)~~ A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 33 wherein an in-process adjustment is made for the stack height of a set number of articles in each of said article gauges.

~~37. (Previously Amended)~~ A method for continuously packaging or sorting fragile articles having varying thicknesses in a stack according to Claim 33 wherein each proportional shifter is adjusted for a change in the stack height of the set number of articles every 15 to 25 minutes.

38. (Currently Amended) A method for preventing waste in continuously packaging or sorting fragile articles having varying thicknesses in a stack comprising:  
feeding each of a plurality of stacks of articles supplied from an article infeed to one of a plurality of stripping devices,  
setting a plurality of proportional shifters each coupled to one said stripping device to remove a set number of articles from each feed stack in said infeed, [[and]]  
placing a set number of articles within [[measuring the stack height of said set number of articles with]] an article gauge attached to each proportional shifter, and  
measuring the stack height of said set number of articles with the article gauge.

39. (Currently Amended) A method for preventing waste in continuously packaging or sorting fragile articles having varying thicknesses in a stack comprising:  
feeding each of a plurality of stacks of articles from an article infeed to one of a plurality of stripping devices, [[and]]  
placing a set number of articles within [[measuring the stack height of a set number of fragile articles with]] an article gauge attached to each of said plurality of stripping devices, and  
measuring the stack height of said set number of articles with the article gauge to  
set the number of articles for removal from a feed stack.

40. (Previously Amended) A method as claimed in claim 21 wherein said articles are crackers.

41. (Previously Presented) A method as claimed in claim 21, wherein each proportional shifter comprises a rod with two blocks moveable along said rod.

42. (Previously Presented) A method as claimed in claim 41, wherein the rod comprises a threaded rod with two threads, each thread having a different pitch.

43. (Previously Presented) A method as claimed in claim 42, wherein the two blocks are threaded blocks, each block having a pitch that matches one of the pitches on the threaded rod.

44. (Previously Presented) A method as claimed in claim 43, wherein the pitches of the two threaded blocks differ by a factor equal to a ratio of two different pre-determined numbers of articles to be removed from said stack.

45. (Previously Presented) A method as claimed in claim 41, further comprising moving one of the blocks along the rod, thereby adjusting an article rest for the change in the stack height of said set number of articles.

46. (Previously Presented) A method as claimed in claim 41, wherein each article gauge comprises two plates, and wherein one plate is attached to one of the two blocks.

47. (Previously Presented) A method as claimed in claim 21, wherein each stripping device comprises a rotary material stripper feeder adapted to continuously sweep the set pre-determined number of articles into a wrapper.

48. (Previously Presented) A method as claimed in claim 21, wherein the proportional shifter comprises a variable stroke piston contained in an air cylinder.

49. (Previously Presented) A method as claimed in claim 48, wherein a distance moved by the variable stroke piston is limited by pre-determined stroke stops.

50. (NEW) A method as claimed in claim 21 wherein after said adjustment, the number of articles in the article gauge is different from the number of articles removed.

51. (NEW) A method as claimed in claim 33 wherein after said adjustment, the number of articles in the article gauge is different from the number of articles removed.

52. (NEW) A method as claimed in claim 33, wherein each said proportional shifter is switched between two different pre-determined numbers of fragile articles to be removed by each stripping device while automatically proportionally compensating for changes in article thickness.

53. (NEW) A method as claimed in claim 38 wherein the number of articles in the article gauge is different from the number of articles removed.

Appl. No. 10/631,360  
Amendment  
Docket No. NBI-866A

54. (NEW) A method as claimed in claim 39 wherein the number of articles in the article gauge is different from the number of articles removed.